

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM

Plaintiff

vs.

SCOTT DOWNEY, ROGER  
MORRISON, DAVID GRAYBILL  
AND MICHAEL SWEGER

Defendants

NO. 1:CV-01-0083

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

*J. McClure*

FILED  
HARRISBURG, PA

FEB 01 2002

MOTION TO STAY PROCEEDINGS

MARY E. D'ANDREA, CLERK  
Per *g/m*  
Deputy Clerk

AND NOW, come the Defendants, collectively, by and through their attorneys, who bring this Motion to Stay Proceedings, and aver as follows:

1. Plaintiff, Beverly Beam, filed a Complaint on January 16, 2001 against Defendants Scott Downey, Roger Morrison, David Graybill and Michael Sweger.
2. On March 14, 2001, Defendant Downey, by and through his attorney, Stephen S. Russell, Esquire, filed a Partial Motion to Dismiss Plaintiff's Complaint and to Strike Impertinent Material.

3. On March 16, 2001, Defendant Morrison, by and through his attorney, Daniel P. Altland, Esquire, filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6).

4. On March 19, 2001, Defendants Graybill and Sweger, by and through their attorney, Stephen J. Schiffman, Esquire, filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

5. Pending resolution of the above three Motions, discovery was begun in the form of Interrogatories, Request for Production of Documents and depositions.

6. The discovery period in this matter ended on February 1, 2002.

7. Defendants' Motion for Summary Judgment is due on February 16, 2002.

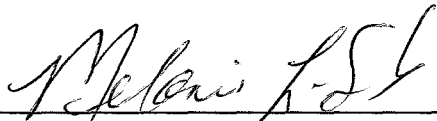
8. For Defendants to file any further motions at this time would be duplicative of the Motion to Dismiss and impossible as the pleadings have not closed and once the Court decides the 12(b)(6) motions, further discovery may be necessary.

WHEREFORE, Defendants Scott Downey, Roger Morrison, David Graybill and Michael Sweger hereby respectfully request this Honorable Court to stay the

proceedings in this matter pending a decision on their respective Motions to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

**SERRATELLI, SCHIFFMAN, BROWN  
& CALHOON, PC**

By: 

Steven J. Schiffman, Esquire

I.D. No.: 25488

Melanie L. Erb, Esquire

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Harrisburg, PA 17101

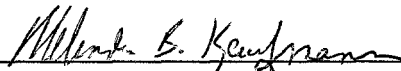
(717) 540-9170

Attorneys for Defendants David Graybill  
And Michael Sweger

Dated: 2/1/02

**STOCK AND LEADER**

A Professional Corporation

By: 

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Dated: 1-31-02

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Attorneys for Defendant Roger Morrison

Dated: 1-31-02

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BEVERLY BEAM,

Plaintiff,

v.

SCOTT DOWNEY, ROGER  
MORRISON, DAVID GRAYBILL,  
and MICHAEL SWEGER,

Defendants.

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:  
: CIVIL ACTION LAW  
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: Docket No.: 1: CV-01-0083  
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: (Judge McClure)  
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**CERTIFICATE OF NONCONCURRENCE**

I, Melanie L. Erb, Esquire, certify that I have contacted Counsel for Plaintiff to seek his concurrence and/or nonconcurrence in the within Motion. Plaintiff does not concur in Defendants' Motion.

**SERRATELLI, SCHIFFMAN, BROWN  
& CALHOON, PC**

By



Melanie L. Erb, Esquire

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Attorneys for Defendants David Graybill  
and Michael Sweger

Dated: February 1, 2002

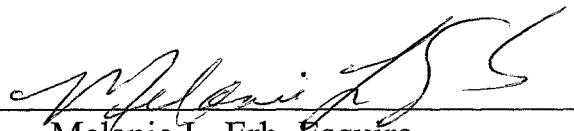
**CERTIFICATE OF SERVICE**

I, Melanie L. Erb, Esquire, hereby certify that I have served a true and correct copy of the foregoing document by depositing such in the regular U.S. Mail, addressed as follows:

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4311 N. Sixth Street  
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Dated: February 1, 2002